S.B. CIVIL WRIT PETITION NO.4589/2004.
(BAJRANGLAL VS. EXECUTIVE ENGINER & OTHERS)

DATE OF ORDER : 04.05.2007.

HON'BLE MR. GOVIND MATHUR, J.

Mr. D.K.Gaur for the petitioner.
Mr. Shyam Ladrecha, AGA, for the respondents.

By this petition for writ, a challenge is given to the award dated 30.11.98 passed by Labour Court, Bikaner. The appropriate government under its notification dated 20.07.95 referred an industrial dispute for its adjudication to the Labour Court, Bikaner in the terms as to whether termination of workman Shri Bajranglal Swami s/o Shri Hemdas Swami by Executive Engineer, 8th Division, Canal Area Development, IGNP, Chhatargarh, Bikaner on 1.10.85 amounts to retrenchment? If yes, then for what relief, the workman is entitled?

The Labour Court by the award impugned after considering the entire evidence available on record reached at the conclusion that as a matter of fact the workman was not retrenched from service but abandoned the service. While reaching at such conclusion, the issue with regard to delay in raising the industrial dispute was also taken into consideration by the Labour Court as at the first instance the dispute was raised in the month of July 1992.

I do not find any error in the award impugned that may warrant interference of this Court under Article 226 and 227 of the Constitution of India.

The writ petition, therefore, is dismissed.

(GOVIND MATHUR)J.

Anil/